

### REMARKS

In the Office Action dated March 26, 2003, claims 1-8, 10, 13-15, 17-21, 23, 26-31, and 33 are pending. Claims 1, 13, and 28 have been amended and are independent claims from which all other claims depend respectively therefrom.

Claims 1-3, 5, 7-8, 13-15, 18, 20-21, and 28-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Frost (USPN 5,041,972). Independent claims 1 and 13 have similar limitations and will therefore be discussed together.

Claims 1 and 13 are directed towards methods of developing a brand profile for a new product and a new automotive vehicle, respectively. The method of claim 1 includes providing predetermined product attributes representing identifiable features of a generic product under consideration. Claim 13 includes a similar limitation but further specifies the inclusion of attributes from particular groups of vehicle characteristics. Claims 1 and 13 further include grouping the product attributes in response to customer-oriented market research. The attributes are placed in an attribute class corresponding to brand personality importance. Thereafter, a preferred product brand position is generated as a function of the attributes, which includes identifying a competitive set of products and associating the attributes with a preferred competitive level with respect to the competitive set. Target product characteristics are generated as a function of the classified product attributes and the preferred product brand position. The target product characteristics represent customer-driven objectives for each of the attributes to be incorporated into the new product or vehicle.

The present invention groups the product attributes in response to customer-oriented market research, the groups may include vehicle usage, driving experience, environmental, special features, design, as well as other customer-oriented market research groups. Attributes within each of these groupings may correspond to customer personal preference or customer opinion-based groupings or classes, such

as rational, functional, emotional, brand personality and user stereotype, etc. For example, attributes within the vehicle usage grouping, such as interior roominess, ergonomics, and cargo space may also be considered functional attributes.

The present invention also places each attribute in an attribute class corresponding to brand personality importance. In so doing, each attribute is given a class identifier, such as being a "differentiator", being "important", or being a "given." Each of these classes generally identifies each attribute based on brand personality importance, providing personality differences between brands for all classified attributes.

Frost is directed towards a method of measuring consumer response to changes in product attributes. In the initial steps of Frost, customer interviews are performed in which attributes are identified for given descriptors or, as stated by the Office Action of March 26, 2003, attributes are identified and grouped. The attributes are given a descriptor of rational, functional, emotional, or brand personality and user stereotype. Various interviews and analysis is performed until 1000-2000 attributes are reduced down to a final set of 30-50 attributes. The final set of attributes is determined to be the attributes that have the greatest degree of distinction between the greatest number of items.

Frost does not teach or suggest each and every element of claims 1 and 13. Namely Frost does not teach or suggest grouping product attributes in response to customer-oriented market research, placing each attribute in an attribute class corresponding to brand personality importance, generating a preferred product brand position including associating each attribute with a preferred competitive level, and generating target vehicle characteristics as a function of the attributes and the preferred product brand position.

Although Frost identifies attributes by given descriptors, the descriptors are customer personal preference or customer opinion-based descriptors only. The present invention not only groups attributes in response to customer-oriented market research but also classifies the attributes based on brand personality importance. The Office Action states that Frost does not teach or suggest placing each attribute into three classes, which Applicants agree. Applicants submit in a broader sense that Frost does not even teach or suggest classifying the attributes based on brand personality importance, let alone whether the attributes are placed in separate classes.

The Office Action states that Frost teaches generating a preferred product brand position including associating each attribute with a preferred competitive level and refers to col. 3, lines 34-45, col. 8, lines 11-25, col. 4, lines 45-50, and col. 6, lines 45-62. Nowhere in these sections or anywhere else in Frost are competitive levels assigned to attributes, let alone the generation of a preferred product brand position. Col. 3, lines 34-45 simply describes the four different descriptors utilized by Frost. Col. 8, lines 11-25 describes submitting a final set of attributes to consumers and having them choose items based on their attribute preferences. Col. 4, lines 45-50 describes performing final interviews in which consumers are requested to express a degree of preference for an item. Requesting consumers to choose items or express preferences based on given attributes is not the same as assigning competitive levels for each attribute for a given brand. Col. 6, lines 45-62 describe a general need for market research and the identification of an item to be researched as a new or changed product. There is no teaching or suggestion of competitive levels or preferences in col. 6, lines 45-62.

The Office Action further states that preference is expressed for one item relative to another, which gives the items a competitive level. A consumer stating the preference of one item versus another item is not the same as assigning

competitive levels to each of various attributes and then generating a preferred product brand position from the associated competitive levels. An item being preferred based on one or more attributes is not equivalent to positioning a brand with respect to assigned competitive levels of associated attributes. In Frost, consumers determine item preference, whereas in the present invention, a cross-functional product team performs brand positioning and assignment of competitive levels to associated attributes.

Additionally, since Frost does not teach or suggest the generation of a preferred product brand position, Frost also does not teach or suggest generation of target vehicle characteristics as a function of the preferred product brand position.

Frost is not directed towards or concerned with positioning of a brand, but is rather concerned with behavioral variance among interviewed consumers and the least amount of redundant attributes to distinguish between the greatest number of items. Thus, not only are the primary problems solved by Frost and the present invention different, the methods as to how the problems are solved and elements involved therein are also different.

Therefore, each and every element of claims 1 and 13 are not taught or suggested by Frost.

Additionally, in light of the 103(a) rejections of the Office Action for claims 4, 6, 17, 19, 23, and 26-27, the Applicants now refer to MPEP 706.02(j) and submit that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. There is no suggestion in Frost to make any modification thereof to arrive at the present invention and any obviousness type rejection to do so would

be based on improper hindsight reconstruction. Furthermore, as stated above, all of the claimed limitations of claims 1 and 13 are not taught or suggested by Frost. Thus, claims 1 and 13 are novel and nonobvious and are now in a condition for allowance.

Claims 28-29 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Frost in view of Eisner in "Essentials of Project and Systems Engineering Management" in 1997.

Claim 28 is directed towards a method of developing a brand profile for a new automotive vehicle and includes all of the limitations of claim 13. The Office Action relies on Frost for the teachings of each element of claim 28 except for the limitation of a cross-functional product team. The Office Action states that Frost teaches target vehicle image characteristics and refers to the physical and emotional descriptors contained therein. Frost does not teach the limitation of target vehicle brand image characteristics, which include areas of image/personality, product/service, and price/value. Although physical and emotional descriptors maybe somewhat similar to attributes within an area of item image/personality, they are not necessarily the same as attributes within an area of brand image/personality, and they do not include areas of product/service and price/value.

Eisner is directed towards interrelationships between project management and systems engineering. Eisner teaches an idea of "integrated product teams" with respect to team behavior and integrative management. Nowhere in Eisner is brand positioning discussed let alone the use of an integrated product team to generate a vehicle brand position. Referring to MPEP 2143.01, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). There is no suggestion in either Frost or

Eisner for any combination thereof nor does the combination of each reference allow one to arrive at the present invention as is claimed in claim 28, since each and every element of claim 28 is not taught or suggested by Frost, Eisner, or a combination thereof. Therefore, claim 28 is also novel and nonobvious for the above-stated reasons and is now in a condition for allowance.

Applicants therefore submit that Frost and Eisner do not teach, separately or in combination, grouping product attributes in response to customer-oriented market research, placing each attribute in an attribute class corresponding to brand personality importance, generating a preferred product brand position including associating each attribute with a preferred competitive level, and generating target vehicle characteristics as a function of the attributes and the preferred product brand position. Frost and Eisner also do not teach or suggest generation of target vehicle brand image characteristics. The Frost and Eisner references do not contain each and every element in claims 1, 13, and 28 of the present invention, and therefore claims 1, 13, and 28 are novel, nonobvious, and allowable. Furthermore, since claims 2-8, 10, 14-15, 17-21, 23, 26-27, 29-31, and 33 depend from claims 1, 13, and 28, respectively, they are also novel, nonobvious, and allowable for at least the same reasons.

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In light of the amendments and remarks, Applicants submit that all objections and rejections are now overcome. The Applicants have added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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